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SUBJECT: PRESIDENT'S CHIEF OF STAFF TELLS CHARGE ALL
MILITARY SUSPECTS ON "LIST OF FIVE" WERE
RELIEVED OF DUTY BUT HAVE NOT YET BEEN CHARGED

¶1. (SBU) Charge d'Affaires met October 8 with Adolphe Lumanu Mulenda, President Joseph Kabila's chief of staff, to review a number of issues. Also present were econ counselor and Mulenda's private secretary. Charge raised the issue of the "list of five" senior military officials suspected of serious human rights violations, including acts of SGBV, presented to President Kabila by Security Council ambassadors during their trip to the Democratic Republic of the Congo in May of this year.

¶2. (SBU) Charge began by trying to convey to Mulenda just how important it was for the GDRC to take action against the five. The issue had become a "cause celebre" in the United States and other countries, not only because of the allegations against the five but also, and perhaps even more so, because of the Government's apparent failure to take decisive action to remove them from their command and to prosecute them.

¶3. (SBU) Mulenda was clearly surprised by the charge's serious (but polite) tone and seemed to be thrown off balance. His reaction was initially defensive but later became angrier in tone. He replied that NGO and press reports that the GDRC had done nothing with regard to the "List of Five" were false. The government, he said emphatically, had relieved all five men of their commands in the armed forces while investigating the charges. In the meantime, he said, the five suspects were free but under surveillance.

¶4. (SBU) Charge countered that this was not enough and the U.S. wanted to see charges against the men with trials in the near future. Mulenda erupted: Few outside the DRC, he exclaimed, could understand the difficulties involved in pursuing justice here. He admitted that the justice sector had no capacity; for that reason, he said, the president had recently fired more than 100 judges and appointed new ones who were less corrupt. He chided the charge for implying that the president could simply order the five tried; in democracies, he insisted, the separate branches of government are autonomous and the executive cannot order the courts around.

¶5. (SBU) Mulenda then talked about how big the country was and the logistical difficulties in tracking down people and bringing them to justice. His final, telling, point (delivered with much emotion) was: "You cannot think that these persons are just individuals. Behind each of them is a militia that will go out of control and commit more atrocities if its leader is brought to justice."

¶6. (SBU) Comment: The Government's inability to act on the "List of Five" matter is clearly a great embarrassment and source of much frustration. Mulenda's rationalizations that the country is too big and too democratic do not ring true. But his assertion, in quavering voice, that the five have militias to back them suggests that the government is treading lightly, lest it step on a mine. End comment.

